

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN ERIC SANDLES,

Plaintiff,

-vs-

U.S. MARSHAL'S SERVICE, et al.,

Defendants.

CASE NO. 04-CV-72426

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

STEVEN D. PEPE
UNITED STATES MAGISTRATE JUDGE

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**ORDER AFFIRMING THE MAGISTRATE JUDGE'S ORDER DENYING PLAINTIFF'S
MOTION TO REOPEN CASE**

Before the Court is Plaintiff John Eric Sandles' ("Plaintiff") Appeal of the Magistrate Judge's October 18, 2007 Order denying his Motion to Reopen Case. Defendant United States Marshal's Service filed a Response on November 16, 2007. Having considered the entire record, and for the reasons that follow, the Court AFFIRMS the Magistrate Judge's Order.

The standard of review under 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P. 72(a) is that a magistrate judge's nondispositive orders shall not be disturbed unless "found to be clearly erroneous or contrary to law." *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001). The "clearly erroneous" standard mandates that the district court affirm the magistrate judge's decision unless, on the entire evidence, it "is left with the definite and firm conviction that a mistake has been committed." *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948). Parties cannot raise arguments on objection or appeal that they did not bring before the Magistrate Judge. *Murr v. United States*, 200 F.3d 895, 901 n.1 (6th Cir. 2000).

Having reviewed the Magistrate Judge's recitation of facts and discussion of the law, and Plaintiff's arguments on appeal, the Court is not convinced that the October 18, 2007 Order was either clearly erroneous or contrary to law.

For the reasons stated by the Magistrate Judge, the Court **AFFIRMS** the October 18, 2007 Order.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: December 10, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 10, 2007.

s/Denise Goodine
Case Manager